Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Algeria*

A. Purpose and general obligations (arts. 1–4)

1. Please indicate whether:

(a) Measures have been taken to fully harmonize national legislation, in particular the Family Code and the Civil Code, with the Convention, and to ensure that the concept of disability, as stated in Act No. 02-09 of 8 May 2002 on the protection and promotion of persons with disabilities, is fully in line with the human rights model of disability;

(b) Act No. 02-09 covers all persons with disabilities.

2. Subsequent to the enactment of laws listed in paragraph 48 of the State party report (CRPD/C/DZA/1) in relation to persons with disabilities, please specify whether:

(a) Measures have been taken to adopt a comprehensive policy and a national action plan with specific budgetary allocations to implement aforesaid legislation;

(b) The assessment of persons with disabilities, and the issue of identity cards and/or passports, which often mention the disability of the person under "particular signs", have been addressed to ensure that they are in line with the general principles of the Convention;

(c) The National Council for Persons with Disabilities or any other permanent forum engages with persons with disabilities and their representative organizations for consultation and ensures their participation, including women's organizations and persons with psychosocial and/or intellectual disabilities, in the formulation and implementation of legislation, policies and administrative processes and other matters that affect them.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

3. Please specify whether:

(a) The State party intends to amend its Constitution to include disability as a prohibited ground of discrimination under article 29 (para. 63);[1]

(b) Denial of reasonable accommodation, especially in relation to the rights to inclusive education and employment, is recognized as disability-based discrimination in

* Adopted by the pre-sessional working group at its ninth session (12–16 March 2018).

[1] In the present document, such paragraph numbers contained within parentheses refer to the State party report (CRPD/C/DZA/1).

domestic law, in particular in Act No. 02-09 of 8 May 2002 on the protection and promotion of persons with disabilities;

(c) There are legal provisions prohibiting intersecting and multiple forms of discrimination against persons with disabilities, including those belonging to ethnic, religious or linguistic minorities, such as Amazigh, Sahraoui and black people, and against migrants, refugees and asylum seekers with disabilities as well as women, children and lesbian, gay, bisexual, transgender and intersex persons with disabilities.

4. Please provide data on violations reported of the right to equality and non-discrimination of persons with disabilities, investigations conducted and the nature of the resulting sanctions, including the remedies provided to victims.

Women with disabilities (art. 6)

5. Please provide information on the measures taken to mainstream the rights and a positive image of women and girls with disabilities as rights holders into gender equality policies and strategies, including the National Strategy for the Promotion and Integration of Women and its national action plans, and to combat the discrimination experienced in all areas of life by women and girls with disabilities, especially discrimination arising from traditional and cultural practices. Please provide information on collaboration with representative organizations of women and girls with disabilities.

6. In line with target 5.2 of the Sustainable Development Goals, in order to eliminate all forms of violence against women and girls with disabilities in the public and private spheres, including trafficking and sexual and other forms of exploitation, please:

(a) Provide data and information on gender-based violence and on any programmes designed to protect and support women and girls with disabilities against violence;

(b) Indicate the steps envisaged to enact a law on combating violence against women that would include a disability perspective in the definition of violence and would also address specific barriers faced by women and girls with disabilities in accessing justice.

7. Please provide information on the measures taken to:

(a) Enable single women with disabilities to access social housing, breast cancer prevention programmes and other related programmes;

(b) Increase the allowance provided to divorced women who have children with disabilities.

8. Please provide information on the action plan to implement the principles of the Convention with regard to women with disabilities (para. 72) and specify whether it includes measures to promote their participation in public and political life.

Children with disabilities (art. 7)

9. Please provide information on:

(a) How the rights of children with disabilities are taken into consideration in national policies and strategies for children;

(b) The measures taken to protect children with disabilities from all forms of violence in all settings, including in specialized institutions, and the steps taken to protect abandoned children with disabilities.

10. Please indicate whether the State party intends to:

(a) Provide parents facing financial hardship with an allowance to support their children with disabilities before they reach 18 years of age (para. 84);

(b) Provide associations of parents of children with disabilities with the required financial support;

(c) Support children with cerebral palsy.

Awareness-raising (art. 8)

11. Please provide information on regulated mechanisms for financial support for and consultation and participation of persons with disabilities and their representative organizations in national awareness-raising campaigns, including mass media campaigns aimed at eliminating discrimination faced by persons with disabilities, with particular reference to their participation in the planning and implementation of programmes around the National, Maghreb and International Days of Persons with Disabilities celebrated each year (para. 92).

12. Please specify the legislative and policy measures taken to combat prejudices, stereotypes and harmful practices, including hate crimes, relating to persons with disabilities, in all areas of life.

Accessibility (art. 9)

13. With reference to paragraphs 102 and 103 of the State party report, please provide information on:

(a) The compliance of current legislation with article 9 of the Convention and with the Committee's general comment No. 2 (2014) on accessibility, in the areas of the built environment, information and communications technology, and public transport, and the steps taken to monitor and enforce such legislation, including through the use of sanctions;

(b) The measures taken to ensure that various forms of information and communications technologies and services provided to the public are fully accessible for persons with disabilities;

(c) The budget allocated to the National Commission on Accessibility for Persons with Disabilities for the monitoring and evaluation of accessibility standards (para. 103).

14. With regard to National Standard No. 16227 (para. 106), please provide information on the number of complaints so far received for non-compliance in relation to housing, schools, hospitals and other public amenities, and what remedies, if any, were provided to victims, in particular to persons with psychosocial and/or intellectual disabilities.

Situations of risk and humanitarian emergencies (art. 11)

15. Please indicate:

(a) The measures taken to ensure the accessibility and availability of the humanitarian and emergency services to all persons with disabilities, particularly with respect to assistive devices, shelters, relief and other services and facilities, including social support and health services;

(b) Whether persons with disabilities have been taken into consideration in the guide on responding to crisis situations and disasters, and in the in-service training on care of victims that is provided to psychologists (para. 124).

Equal recognition before the law (art. 12)

16. In line with the Committee's general comment No. 1 (2014) on equal recognition before the law, please indicate if:

(a) The State party has taken any steps to replace substituted decision-making with supported decision-making regimes in the exercise of legal capacity, and if it has any intention to amend or repeal articles 40, 42, 43, 44 and 78 of its Civil Code which allow for the guardianship of persons with disabilities (paras. 129–131);

(b) Article 386 of the Penal Code provides for imprisonment and fines in the event that a person with disabilities is dispossessed "by surprise or fraudulent means" of property on the basis of his or her impairment (para. 137).

Access to justice (art. 13)

17. Please indicate:

(a) The measures taken to implement the concept of "procedural and age-appropriate accommodations", which is immediately applicable as a civil right under the Convention, in order for persons with disabilities to access the justice system on an equal basis with others;

(b) The steps taken to make accessible the physical environment of judicial premises, such as courts, police stations and prisons, and to provide information about the justice system in appropriate formats to all persons with disabilities;

(c) How many persons with disabilities (since the submission of the initial report) have benefited from the provision of legal aid, in line with article 28 of Ordinance No. 71-57 of 5 August 1971 on legal aid, and what were the outcomes of those cases (para. 142).

18. Please also provide information on the measures in place to promote the participation of persons with disabilities in the justice system as lawyers, judges and law enforcement officials.

Liberty and security of the person (art. 14)

19. Please specify whether training has been provided to prison officials and other relevant staff on respect and protection of the liberty and security of persons with disabilities in prisons and detention centres, and indicate whether criteria and protocols are applied to ensure judicial oversight to safeguard their liberty and security, including respect for the free consent of persons with disabilities for any kind of intervention.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

20. Please provide statistical data disaggregated by sex, age and migratory status on the number of persons with disabilities who have been subjected to torture or cruel, inhuman or degrading treatment or punishment (para. 157). Please also indicate whether the State party is planning to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to establish an independent national mechanism for the prevention of torture which would be mandated to monitor all settings in which persons with disabilities may be deprived of their liberty.

Freedom from exploitation, violence and abuse (art. 16)

21. Please provide information on:

(a) The prevalence and trends of different forms of violence against persons with disabilities, including data, disaggregated by sex and age, on cases of violence and abuse reported by inspectors in specialized boarding school institutions managed by the Ministry of National Solidarity, the Family and Women, in hospitals, particularly psychiatric hospitals, and places of detention;

(b) The mechanisms in place to ensure that persons with disabilities subjected to such violence and abuse, particularly women and girls with psychosocial and/or intellectual disabilities, have a means of redress, including adequate compensation, and effective recovery, rehabilitation and social reinsertion.

Living independently and being included in the community (art. 19)

22. Please specify whether:

(a) The right to independent living and inclusion in the community is expressly recognized by law, and if so, what policy is in place for its implementation and monitoring;

(b) The Social Development Agency and its local solidarity units have the mandate and the capacity to ensure that the right of persons with disabilities to live independently and to be included in the community is being respected and protected in practice (para. 184);

(c) Home-based support set up by the Ministry of Health is also targeted at persons with disabilities who cannot travel and who live at home (para. 189).

Personal mobility (art. 20)

23. Please indicate:

(a) The mechanisms in place to support persons with disabilities, in particular those with visual impairment and with motor disabilities, in obtaining mobility aids, devices and other assistive technologies and forms of life assistance and intermediaries, in order to enhance their personal mobility;

(b) Whether the Ministry of Transport plans to extend the validity of the driving licence of persons with disabilities to 10 years.

Freedom of expression and opinion, and access to information (art. 21)

24. Please indicate if the State party plans to:

(a) Provide training on the Convention to journalists and media professionals in order to mainstream the human rights of persons with disabilities;

(b) Make information and communications technologies more accessible to persons with disabilities, with a view to promoting their rights to access information and freely express their opinions on an equal basis with others;

(c) Recognize Algerian Sign Language as one of the official languages of the State party.

Respect for privacy (art. 22)

25. Please provide information on the measures taken or envisaged by the State party to deter the media from publishing material that is pejorative and does not respect the privacy and freedom of choice of persons with disabilities.

Respect for home and the family (art. 23)

26. Please provide information on:

(a) Measures to ensure the right to family life and parenthood of all persons with disabilities, including those whose legal capacity has been restricted;

(b) Support services available to families of children with disabilities, including early intervention services.

Education (art. 24)

27. In line with article 24 of the Convention and the Committee's general comment No. 4 (2016) on the right to inclusive education, please provide information on the specific legal and policy measures taken to promote the inclusive education of children and learners with disabilities, and to that end whether the State party has set a time frame for including children with a sensory disability (deaf or blind children), those with Down syndrome or psychosocial and/or intellectual disabilities, autistic children, as well as those with motor disabilities, in mainstream education alongside their non-disabled peers (para. 210). Please also provide information on whether the Ministry of Education will implement support services for children with disabilities in order to promote their inclusive education within the mainstream education system.

28. Please provide information on the pilot classes for children with "slight" intellectual impairment, which have been opened in ordinary schools (para. 225).

Health (art. 25)

29. Please indicate the number of health centres that specialize in physical medicine and rehabilitation, in light of the increasing demand in recent decades.

30. Please specify the measures taken to allow women and girls with disabilities to access health-care services, including for sexual and reproductive health and rights, and to access information on HIV/AIDS, on an equal basis with others.

31. Please provide updated information on the national action plan on assistance for victims of anti-personnel mines, which was launched in 2013, in relation to health and rehabilitation (para. 237).

Work and employment (art. 27)

32. Please provide information on the plan to set up a structure for adapting workplaces for persons with disabilities and indicate which State institutions are tasked with the responsibility of monitoring and evaluating the quota system with regard to the right to work and employment. Please provide data on the number of workers with disabilities recruited on a permanent basis by the private sector since the application of article 27 (1) of Law 02-09 of 8 May 2002, in which it is stipulated that all employers must devote at least 1 per cent of posts to persons with disabilities whose status as workers is recognized (para. 243).

33. Please specify which executive decree establishes the procedures for setting aside posts, determining the employer's financial contribution and providing grants for the adaptation of workplaces and equipment for persons with disabilities (para. 244).

34. Please provide data on how employers have paid a financial contribution to the Special Fund for Adaptation of Workplaces and indicate how many employers have applied to this fund for the provision of workstations, including equipment, when they recruit persons with disabilities.

Adequate standard of living and social protection (art. 28)

35. Please indicate:

(a) How specific measures for persons with disabilities are mainstreamed in the national poverty reduction strategy;

(b) Whether persons with disabilities holding a disability card benefit from the third-party payment system (carte CHIFA);

(c) Whether persons with disabilities in a difficult financial situation who are provided with the allowance of DA 4,000 by the State party still have access to measures to support their employment, and to other financial support schemes.

36. Please specify what social protection measures are in place to cover disability-related costs in order to allow persons with disabilities to enjoy their rights on an equal basis with others.

Participation in political and public life (art. 29)

37. Please indicate whether the State party intends to amend or repeal article 3 of Law No. 12-01 of 12 January 2012 on the electoral system, which denies the right to vote to persons "deemed to lack legal capacity", and provide information on the requirements for persons with psychosocial and/or intellectual disabilities to exercise their right to vote (para. 272).

38. Please provide information on whether article 45 of Act No. 12-01 of 12 January 2012 provides for polling stations to be physically accessible to and usable by persons with all types of impairments, and provides for guarantees both of confidentiality and of the voting choice made by the elector with disability being fully respected in the casting of the vote (para. 273). Please also indicate the measures taken to ensure information in accessible formats — such as Braille, sign language and Easy Read documents, for persons who are blind or visually impaired, persons who are deaf or hard of hearing, and persons with psychosocial and/or intellectual disabilities, respectively.

Participation in cultural life, recreation, leisure and sport (art. 30)

39. Please provide information on the specific measures taken since the submission of the initial report to promote and protect the right to inclusive sport, leisure and recreational activities of persons with disabilities, with particular reference to the Algerian Deaf Persons Sports Federation and the Algerian Disabled Sports Federation (para. 277). Please also provide information on the steps being taken to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

40. Please indicate whether persons with disabilities and their representative organizations will be consulted in the elaboration of the questionnaire for the next general census of the population, and whether the Washington Group Short Set of Questions on Disability will be taken as a model for the questionnaire in relation to the collection of data on persons with disabilities.

International cooperation (art. 32)

41. Please provide information on:

(a) The level of consultation and participation of persons with disabilities and their representative organizations in international cooperation agreements, projects and programmes, particularly those related to the implementation of the 2030 Agenda for Development and the Sustainable Development Goals;

(b) Whether the State party intends to review Act No. 12-06 of 12 January 2012 on associations (para. 39) in order to enable national associations to exchange and share experiences with international disabled persons' organizations, and whether it intends to engage disabled persons' organizations in the formulation and implementation of international disability policies.

National implementation and monitoring (art. 33)

42. Please indicate which institution or agency has been identified as the focal point and/or coordinating mechanism for the implementation of the Convention within the State party (para. 303). Please provide information on whether there are independent mechanisms in place for monitoring the implementation of the Convention, and indicate how the State party intends to engage persons with disabilities and their representative organizations in accomplishing this task.